

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
Civil Action No. 1:23-CV-00527

TYLIYA J. NELSON

Plaintiff

v.

THREE POINTS CENTER, LLC;  
THREE POINTS CENTER NORTH  
CAROLINA, LLC; THREE POINTS  
PROPERTIES, LLC; THREE  
POINTS PROPERTIES NORTH  
CAROLINA, LLC; THREE POINTS  
ACADEMY, INC., & THANE  
PALMER

Defendants.

**JOINT RULE 26(f) REPORT**

1. Pursuant to Fed.R.Civ.P. 26(f) and LR16.1(b), a meeting was held on September 28, 2023, by telephone and was attended by Garrett L. Davis for Plaintiff and D. Beth Langley and Jimmy Chang for Defendants.

2. Discovery Plan. The parties propose to the Court the following discovery plan:

a. Scope of Discovery: Discovery will be needed on the following subjects: matters that pertain to Plaintiff's claims and Defendants' defenses and all issues raised by the parties' pleadings.

b. Commencement Date: The Commencement Date of Discovery will be October 20, 2023.

c. Initial Disclosures and Supplementation. The Parties agree to exchange initial disclosures set forth in Rule 26(a)(1) by October 27, 2023. Supplementation will be as provided in Rule 26(e) or as otherwise ordered by the Court.

d. Casement Management Track: Discovery shall be placed on a case-management track established in LR26.1 as Standard with alterations agreed to by the parties as follows:

(i) Close of Discovery. Discovery will be concluded in six (6) months to allow for scheduling conflicts, particularly acknowledging year-end holidays. The date for completion of all discovery will be April 19, 2024.

(ii) Depositions. Plaintiff is limited to a total of five (5) depositions, including expert depositions. All Defendants, collectively, are limited to a total of five (5) depositions, including expert depositions.

(iii) Number of Interrogatories and Request for Admissions. Plaintiff is limited to a total of twenty (20) interrogatories and twenty (20) request for admissions. All Defendants, collectively, are limited to a total of twenty (20) interrogatories and twenty (20) request for admissions.

e. Experts. Reports from retained experts under Rule 26(a)(2) are due during the discovery period:

(i) From Plaintiff by January 31, 2024.

(ii) From Defendants by 45 days from the date that Plaintiff serves its report(s) from retained experts, or March 15, 2024, whichever is earlier.

f. Supplementations. Supplementations under Rule 26(e) are due as provided in the Rule but no later than 45 days prior to any trial date established by the Court.

3. Mediation. Mediation should be conducted midway through the discovery period. The parties agree that the mediator shall be: Patricia Holland.

4. Preliminary Deposition Schedule. Preliminarily, the parties agree they will schedule depositions by agreement to occur in February and March 2024.

5. Other items.

a. Amendments by Plaintiff without Leave. Plaintiff will be allowed until November 17, 2023 to request leave to join additional parties or amend pleadings without leave of Court. Leave of Court will be required for amendments after this date.

b. Amendments by Defendants without Leave. Defendants will be allowed until December 18, 2023 to request leave to join additional parties or amend pleadings, without leave of Court. Leave of Court will be required for amendments after this date.

c.     Subject Matter Jurisdiction. The Court has subject matter jurisdiction over Plaintiff's claims as Plaintiff has asserted claims arising under federal statutes, specifically 42 U.S.C. 2000e et seq. and 42 U.S.C. 1981. As raised in Defendants' Answer to Complaint [Doc 7], Defendants deny that that the Court has subject matter jurisdiction over any of the Defendants other than Defendant Three Points Center North Carolina LLC, Plaintiff's former employer, as the other Defendants were not Plaintiff's employer and did not have a contract with Plaintiff. Plaintiff contends that all Defendants comprise an "integrated employer" or "single employer, which Defendants deny.

d.     The parties have discussed special procedures for managing this case, including reference of the case to a magistrate judge on consent of the parties under 28 U.S.C. § 636(c), or appointment of a master and the parties do not consent to such assignment.

e.     Confidential Information. The case may involve confidential information or sealed documents and the parties have separately filed a LR 5.5 Report.

f.     Electronically Stored Information. The parties should produce electronically stored information in native format. Per F. R. Civ. P. 26(b)(2), a party need not provide discovery of electronically stored information from sources that the party identifies as not reasonably accessible because of undue burden or costs, unless otherwise ordered by the Court.

6. Expected Duration of Trial. The trial of this action is expected to take approximately 5 days. A jury trial has been demanded.

Respectfully submitted this the 5th day of October 2023.

/s/ Garrett L. Davis

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## **CERTIFICATE OF SERVICE**

I hereby certify that on October 5, 2023, I electronically filed the foregoing **JOINT RULE 26(f) REPORT** with the Clerk of Court using the CM/ECF system, which will send notification via electronic mail to the following CM/ECF filer:

Garrett L. Davis  
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This the 5<sup>th</sup> day of October, 2023

/s/ Jimmy C. Chang  
JIMMY C. CHANG